

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JAMES C. WINDING

PETITIONER

VERSUS

CIVIL ACTION NO. 5:23-cv-29-DCB-FKB

MARC MCLURE, et al.

RESPONDENTS

ORDER

This matter is before the Court on Petitioner’s Motion [31] entitled “Motion for Emergency Appeal Bond to be Release[d] on My Own Recognizance,” Motion [34] entitled “Motion to Embrace Order to Rule on Writ of Habeas Corpus for Criminal Negligence by Adams County, Circuit Court – Failure to Legally Charge for Said Offense of Sexual Battery,” and Motion [35] entitled “Petition to Appoint the Attorney General” filed on May 31, 2023. Having reviewed the Motions [31], [34], and [35], the Court finds that these Motions should be denied.

On May 2, 2023, the Court entered a Memorandum Opinion and Order [11] and Final Judgment [12] dismissing this civil action. Petitioner appealed that decision. Pet’r’s Not. of Appeal [21]. The United States Court of Appeals for the Fifth Circuit dismissed Petitioner’s appeal on July 17, 2023. *See Winding v. McClure*, No. 23-60252 (5th Cir. July 17, 2023) (Certified Copy of USCA J./Mandate [37] at 1).

Because the appeal has been dismissed and the instant civil action remains closed, and the Motions [31], [34], and [35] cannot be construed in a way that relief is possible, these motions are properly considered “meaningless, unauthorized motion[s].” *See Winding v. King*, 375 F. App’x 424, at *1 (5th Cir. Apr. 23, 2010) (citing *United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994) (holding that a motion filed in a closed case is to be considered “a meaningless,

unauthorized motion”)). The Court therefore is without jurisdictional bases to consider the merits of Petitioner’s Motions [31], [34], and [35]. *See id.*; *Mayberry v. Stephens*, 555 F. App’x 419, 420 (5th Cir. 2014) (citing *Early*, 27 F.3d at 142). Accordingly, it is

ORDERED AND ADJUDGED that Petitioner’s Motions [31], [34], and [35] are **denied**.

SO ORDERED, this the 26th day of July, 2023.

s/David Bramlette

UNITED STATES DISTRICT JUDGE